

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/311,837  
Filing Date: May 14, 1999  
Applicant: Barta et al.  
Group Art Unit: 1625  
Examiner: C. Chang  
Title: Aromatic Sulfone Hydroxamic Acid Metalloprotease Inhibitors  
Attorney Docket: 3124/4/US (formerly MON-116.6)

*JPW*

*#25*

Hon. Commissioner of Patents and Trademarks  
Washington, D.C. 20231

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir/Madam:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information submitted for consideration by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

a. X Submitted herewith is a legible copy of (i) each U.S. patent application publication, U.S. and foreign patent; (ii) each publication or that portion which caused it to be listed; (iii) for each cited pending U.S. application, the application specification including the claims, and any drawing of the application which caused it to be listed including the claims directed to that portion and (iv) all other information or that portion which caused it to be listed.

b. \_\_\_\_\_ Any patents, publications or other information which are listed on Form 1449 or on the copies of PTO-892, but which are not enclosed herewith, were previously cited by or submitted to the PTO in one of the following applications which has been relied upon for an earlier filing date under 35 U.S.C. § 120:

U.S. Serial Number

U.S. Filing Date

III. CONCISE EXPLANATION OF THE RELEVANCE (check at least one box)

- a. X Except as may be indicated below in (b), all of the patents, publications, or other information are in the English language (concise explanation not required).
- b. \_\_\_\_ A concise explanation of the relevance of each patent, publication or other information listed that is not in the English language is as follows (see 37 C.F.R. § 1.98(a)(3)):
- c. \_\_\_\_ The following additional information is provided for the Examiner's consideration.

IV. CROSS REFERENCE TO RELATED APPLICATION(S)

- a. \_\_\_\_ The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does(do) not waive the confidentiality provisions of 35 U.S.C. § 122.

Serial No.

Filing Date

Art Unit

V. THIS IDS IS BEING FILED UNDER

- a. \_\_\_\_ 37 C.F.R. § 1.97(b): (check only one box)

1. \_\_\_\_ within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.

2. \_\_\_\_ within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.

3. \_\_\_\_ before the mailing of a first Office action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposit account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).

4. \_\_\_\_ before the mailing of a first Office action after the filing of a request for continued examination under 37 C.F.R. § 1.114. No fee or certification is required.

- b. X 37 C.F.R. § 1.97(c): (check only one box)

• before the mailing date of either any Final Office Action under 37 C.F.R. § 1.113, a Notice of Allowance under 37 C.F.R. § 1.311, or an action that otherwise closes prosecution.

1. X No certification; therefore, a fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

2. \_\_\_\_ See the certification below. No fee is required.

c.        37 C.F.R. § 1.97(d):

- after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.

1.        See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).

VI. CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)

The undersigned hereby certifies that:

a.        each item of information contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)); or

b.        no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).

c.        Some of the items of information were first cited in any communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.

VII. PAYMENT OF FEES (check only one box)

a.   X   A check in the amount of \$180.00 is enclosed for the above-identified fee.

b.        Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-indicated fee. A duplicate copy of this paper is attached.

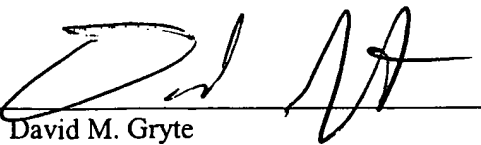
The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to  
Deposit Account No. 08-0750.

Respectfully submitted,

Dated: 11/14/02

By:   
David M. Gryte  
Reg. No. 41,809  
Harness, Dickey & Pierce, P.L.C.  
7700 Bonhomme, Suite 400  
St. Louis, MO 63105

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>SUPPLEMENTAL INFORMATION DISCLOSURE</b> <b>CITATION</b> (Use several sheets if necessary) Sheet 1 of 2	ATTORNEY DOCKET NO.	SERIAL NO.
	3124/4/US	09/311,837
	APPLICANT	
	Barta et al.	
	FILING DATE	GROUP
	May 14, 1999	1625

U.S. PATENT DOCUMENTS						
Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		6,013,649	01/11/00	Freskos et al.	514/237.8	
2.		6,300,514	10/09/01	Takahashi et al.	560/17	
3.		U.S. Appl. No. 09/989,943		Barta et al.		11/21/01
4.		Currently pending independent claims in U.S. Appl. No. 09/570,731 (same disclosure as WO 00/69821, which is included with this IDS)		Barta et al.		05/12/00
5.		Currently pending independent claims in U.S. Appl. No. 09/954,451, which is a divisional of Publ. No. 2001/0039287 (included with this IDS)	11/08/01	Barta et al.		09/17/01
6.		Currently pending independent claims in US Appl. No. 09/554,082 (Same disclosure as WO 99/25687, which was included with Applicants' August 23, 2001 IDS)		Barta et al.		05/12/00
7.		Currently pending independent claims in U.S. Appl. No. 09/191,129 (Publ. No. 2001/0014688)	08/16/01	Barta et al.		11/13/98

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<b>FORM HDP-1449 (Based on Form PTO-1449)</b>  <b>PATENT AND TRADEMARK OFFICE</b> <b>SUPPLEMENTAL INFORMATION DISCLOSURE</b> <b>CITATION</b> (Use several sheets if necessary)  Sheet 2 of 2	ATTORNEY DOCKET No.	SERIAL No.
	3124/4/US	09/311,837
	APPLICANT	
	Barta et al.	
	FILING DATE	GROUP
	May 14, 1999	1625

FOREIGN PATENT DOCUMENTS							
Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes No	
8.		WO 95/29892	11/09/95	PCT	C07D 207/327		
9.		WO 99/09000	02/25/99	PCT	C07C 235/00		
10.		WO 00/69821	11/23/00	PCT	C07D 211/66		

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)		
Ref. Desig.	Examiner's Initials	
11.		Woessner, "The Matrix Metalloproteinase Family", <i>Matrix Metalloproteinases</i> , (1999) pages 1-14

Examiner:	Date Considered:
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EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EV 317348773 US

Attorney Docket No: 3124/4/US  
HDP Docket No: 6794-000021/US

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Barta et al.  
Serial No: 09/311,837  
Filed: May 14, 1999  
For: Aromatic Sulfone Hydroxamic Acid Metalloprotease Inhibitor  
Group Art Unit: 1625  
Examiner: Celia C. Chang  
Attorney Ref: 3124/4/US

**PAPER 24**

**11/04/01 Supplemental Information Disclosure Statement (including stamped return postcard)**

Applicant: Barta et al.	Client Matter # 3124/4/US (21US)
Serial/Patent # 09/311,837	Filing/Issue Date: May 14, 1999
Title: Aromatic Sulfone Hydroxamic Acid metalloprotease Inhibitors	

Please acknowledge receipt of:

Transmittal (1 page);

Fee Transmittal (1 page)

Supplemental Information Disclosure Statement (4 pages);

Supplemental Form HDP-1449 (2 pages), and 11 cited references, and

Check in the amount of \$180.00.

**EL 941544925 US**

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Mailed: 11/04/2002

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USPTO Date Stamp

Attorney: David M. Gryte/lrs



Applicant: Barta et al.	Client Matter # 3124/4/US (21US)
Serial/Patent # 09/311,837	Filing/Issue Date: May 14, 1999
Title: Aromatic Sulfone Hydroxamic Acid metalloprotease Inhibitors	

Please acknowledge receipt of:

Transmittal (1 page);  
 Supplemental Information Disclosure Statement (4 pages);  
 Supplemental Form HDP-1449 (2 pages), and 11 cited references; and  
 Check in the amount of \$180.00.

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USPTO Date Stamp

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Attorney: David M. Gryte/lids

Express Mail Label No.: EL941544925US

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 7700 BONHOMME SUITE 400  
 ST. LOUIS, MO 63105

2070

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 ORDER OF

DATE

11/4/02

4-171/810

Commissioner For Patents  
 One Hundred Eighty & 00/100

\$ 180.00

DOLLARS

**M MISSOURI**  
 STATE BANK  
 St. Louis, Missouri

OR 6794-000021/US 3124/4/US

David M. Gryte

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8303893⑈

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/311,837
Filing Date	May 14, 1999
First Named Inventor	Barta et al.
Group Art Unit	1625
Examiner Name	Celia Chang
Attorney Docket Number	3124/4/US

Total Number of Pages in This Submission

## ENCLOSURES (check all that apply)

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Response<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Supplemental Information Disclosure Statement; Supplemental HDP-Form 1449 and 11 cited references<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br><b>Return Receipt Postcard</b><br><br><b>Check for \$180.00</b> |
|---|---|--|

Remarks

Express Mail Label No.: EL941544925US

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	David M. Gryte Harness, Dickey & Pierce, P.L.C.
-------------------------	--

Signature

Date	November 4, 2002
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## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: November 4, 2002

Typed or printed name	LaVonda D. Savage
-----------------------	-------------------

Signature

Date	November 4, 2002
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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 180.00

Complete if Known

Application Number 09/311,837  
Filing Date May 14, 1999  
First Named Inventor Barta et al.  
Examiner Name Celia Chang  
Group / Art Unit 1625  
Attorney Docket No. 3124/4/US

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number 08-0750

Deposit Account Name Harness, Dickey & Pierce

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	208	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1)

(\$ 0

### 2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
0	0	0	0
0	0	0	0
0	0	0	0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$ 0

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	180
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 180

## SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	David M. Gyle	Registration No. Attorney/Agent)	41,809	Telephone	(314) 726-7500
Signature				Date	November 4, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.